

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x

JUNIOR WALKER and TAHERA BULLEN-WALKER,
on behalf of themselves and on behalf of their infant
children T.W. and N.W.,

CV-12-2535(WFK)(MDG)

Plaintiffs,

-against-

THE CITY OF NEW YORK, STACEY ROBINSON,
Caseworker, New York City Administration for
Children's Services, GLADYS WHITE, Supervisor,
New York City Administration for Children's Services,
JACQUELINE MCKNIGHT, Assistant Commissioner-
Brooklyn, New York City Administration for
Children's Services, SHARON ROGERS, Deputy
Director for Brooklyn Field Office, Zone E, New York
City Administration for Children's Services, BURTON
LEWIS, Supervisor, New York City Administration
for Children's Services, KAREN SAWYER-BARRO,
Supervisor, New York City Administration for
Children's Services, NATARSKY LOUISSAINT,
Caseworker, New York City Administration for
Children's Services, and JOHN MATTINGLY, former
Commissioner, New York City Administration for
Children's Services,

Defendants.

----- x

**AFFIRMATION OF KATHY POLIAS, ESQ. IN SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Kathy A. Polias, Esq. affirms under penalty of law:

1. I am an attorney-of-record for Plaintiffs in the above-captioned action. I make this
Affirmation in support of Plaintiffs' motion for summary judgment.

2. Annexed hereto as Exhibit 1 are excerpts of the deposition transcript of Defendant
Sharon Rogers.

3. Annexed hereto as Exhibit 2 are excerpts of the deposition transcript of Tracy Francis-Martin, the City of New York's 30(b)(6) witness on policy.

4. Annexed hereto as Exhibit 3 are excerpts of the deposition transcript of Defendant Gladys White.

5. Annexed hereto as Exhibit 4 are excerpts of the Casework Practice Guide that was in effect at New York City Administration for Children's Services (ACS) in the first half of 2009.

6. Annexed hereto as Exhibit 5 are excerpts of the deposition transcript of Defendant Stacey Robinson.

7. Annexed hereto as Exhibit 6 are excerpts of Instant Response Team Protocol.

8. Annexed hereto as Exhibit 7 is a copy of the Oral Report Transmission (ORT)/Intake Report received by ACS from the New York State Central Register on 3/19/2009 regarding the Walker family.

9. Annexed hereto as Exhibit 8 is a printout of Defendants' Investigation Progress Notes from the Connections computer system regarding ACS's investigation into the Walker family.

10. Annexed hereto as Exhibit 9 is a letter from Cindy J. Mendelson, Esq., Plaintiff Junior Walker's attorney in the Family Court proceeding to McKnight and Rogers, dated June 28, 2010.

11. Annexed hereto as Exhibit 10 is the Investigation Conclusion Report authored by Robinson for the ACS investigation into the Walker family and a letter from Robinson and Gladys White to Plaintiff Junior Walker, dated 5/13/2009.

12. Annexed hereto as Exhibit 11 is a letter from Robinson to Plaintiff Junior Walker and the children's aunt, dated 4/27/2009, and the envelope for the letter addressed by Robinson to Junior Walker and postmarked 4/28/2009.

13. Annexed hereto as Exhibit 12 is a copy of the Petition filed by ACS with the Kings County Family Court on 4/30/2009 to commence an Article 10 neglect proceeding against Plaintiff Junior Walker and the children's aunt.

14. Annexed hereto as Exhibit 13 are excerpts from the transcript of the 4/30/2009 hearing in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

15. Annexed hereto as Exhibit 14 is an Orders entered by the Kings County Family Court on 4/30/2009 in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

16. Annexed hereto as Exhibit 15 are excerpts from the deposition transcript of ACS Caseworker Tavaría Robertson.

17. Annexed hereto as Exhibit 16 are excerpts from the deposition transcript of Defendant Natarsky Louissaint.

18. Annexed hereto as Exhibit 17 are excerpts from the transcript of the 5/6/2009 hearing in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

19. Annexed hereto as Exhibit 18 are the Safety Assessment for the Walker family completed by Defendant Robinson on 3/23/2009 and the modification to the Safety Assessment completed by Defendant Robinson on 3/27/2009.

20. Annexed hereto as Exhibit 19 are Orders entered by the Kings County Family Court on 5/7/2009, 5/13/2009, 9/23/2009, 10/6/2009, and 12/8/2009 in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

21. Annexed hereto as Exhibit 20 are excerpts from the deposition transcript of Nurse Geneva White.

22. Annexed hereto as Exhibit 21 is a copy of the ACS Nurse Triage Form for T.W. dated 5/1/2009 produced pursuant to subpoena by foster care agency Little Flower Children and

Family Services of New York as the “best evidence” of this document, as the copy produced by Defendants is cut off on the bottom and Defense Counsel has represented that Defendants no longer have the original and the copy produced by Defendants is the only copy that they have. Annexed hereto also as Exhibit 21 is also a copy of the Certification by Little Flower Children and Family Services of New York.

23. Annexed hereto as Exhibit 22 is a copy of the ACS Nurse Triage Form for N.W. dated 5/1/2009 produced by Defendants. Although the bottom portion is cut off, the complete copy produced by Little Flower is too light to be scanned and read. Therefore the Defendants’ copy is being used in this motion.

24. Annexed hereto as Exhibit 23 is a copy of an Order entered by the Kings County Family Court on 5/23/2009, in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

25. Annexed hereto as Exhibit 24 are copies of Order entered by the Kings County Family Court on 5/7/2009, 5/13/2009, 6/19/2009, and 10/7/2009 in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

26. Annexed hereto as Exhibit 25 are excerpts from the deposition transcript of Plaintiff Tahera Bullen-Walker.

27. Annexed hereto as Exhibit 26 are excerpts from the transcript for the Court appearance on 5/7/2009 in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

28. Annexed hereto as Exhibit 27 are excerpts from the deposition transcript for Plaintiff Junior Walker.

29. Annexed hereto as Exhibit 28 are excerpts from the deposition transcript for Dr. Elana Altzman.

30. Annexed hereto as Exhibit 29 are excerpts from the transcript for the Court appearance on 10/7/2009 in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

31. Annexed hereto as Exhibit 30 is a Court Order, dated 6/11/2011, in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

32. Annexed hereto as Exhibit 31 are excerpts from the transcript for the hearing on 2/25/2010 in ACS v. Walker, Docket No.: NN-12659-60-09, Kings County Family Court.

33. Annexed hereto as Exhibit 32 is a letter dated 5/16/2014 from the New York State Office of Children and Family Services with the results of the State Central Register's Administrative Review of Junior Walker's case.

34. Annexed hereto as Ex. 33 are excerpts from Robinson's Family Services Progress Notes for the Walker family.

Dated: Brooklyn, New York
May 24, 2014

s/ /b/ Kathy A. Polias, Esq.
Kathy A. Polias, Esq. (KP-9025)
68 Jay Street, Suite 201
Brooklyn, New York 11201
Tel. No.: 718-514-2062